

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-84-05

v.

HONORABLE PAUL L. MALONEY

SHANE LEE WEATHERSBY,

Defendant.

/

**MEMORANDUM OPINION AND ORDER**

Defendant Shane Lee Weathersby has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

Defendant's original guideline range was 108 months. His total offense level of 29 and criminal history category VI would normally result in a guideline range of 151 months to 188 months, but the statutory maximum was 5 years on Count 1 and 4 years on Count 2. U.S.S.G. § 5G1.2(b). Defendant was ultimately sentenced to 60 months on Count 1 and to 48 months on

Count 2, to be served consecutively for a total of 108 months. After application of Amendment 782, the amended guideline range remains 108 months. As the resulting guideline range has not been lowered by Amendment 782, the amendment is of no assistance to the defendant.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Shane Lee Weathersby's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 268) is **DENIED**.

Date: January 7, 2016

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge